

Before the Board of Patent Appeals and Interferences

For:			
Auto-Updating Reader Program for Document Files			
Applicant: Bruce Neil CAMPBELL <i>et al.</i>		Attorney Docket No.: 200314238-1	
Serial No.: 10/823,470 (4587)	Filed: 2004-Apr-13	Art Unit: 2163	Examiner: Wilson LEE

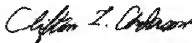
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Appeal Brief

(Identification Page)

This is an appeal to the Board of Patent Appeals and Interferences from the Final Office Action mailed 2008-Mar-17 in the above-identified patent application. A Notice of Appeal was submitted on 2008-Apr-13. An amendment was filed (earlier today) 2008-Jul-08 to put the application in better condition for appeal.

Respectfully submitted
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REAL PARTY IN INTEREST

The real parties in interest are

Hewlett-Packard Company, a Delaware corporation; and

Hewlett-Packard Development Company, L.P., a Texas limited partnership and wholly owned affiliate of Hewlett-Packard Company, and assignee of record of the rights of appellants.

RELATED APPEALS AND INTERFERENCES

None.

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1-10 are pending in the application.

Claims 1-10 are rejected.

The rejections of Claims 1-10 are on appeal.

STATUS OF AMENDMENTS

An amendment has been submitted after the Notice of Appeal to remove an issue with respect to some of the claims. This amendment has not been entered as of the filing of this Appeal Brief, but may be entered before the Appeal Brief is considered.

All amendments submitted prior to the Notice of Appeal have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

SUMMARY OVERVIEW

Many computer programs are sold with electronic versions of manuals and other documentation, e.g., in Adobe's "portable document format" (pdf). However, after a customer acquires the program and documentation, updated versions of the documentation may become available. The present invention makes it easy for a user to obtain the most-recent version of such documentation.

The present invention provides for including in the original version of the documentation a link to a remote update site. The user would access the original documentation on the user's computer and activate the link, which would access the updated version on a remote network site (e.g., the program vendor's update site). The updated version could then be downloaded to the user's computer for convenient access by the user.

The specification describes two variants of the invention. In the first variant, the accessed updated version is the most recent documentation for the most-recent version (40A, Fig. 1) of the host application. In the second variant, the accessed updated version is the most-recent document (40B) for the local version of the host application. In either variant, updated document 40 represents a copy of the updated document that has been downloaded from network site 37 to compute 11.

The downloading occurs at step S4 of method M1, flow-charted in Fig. 1. Prior to step S4, the updated version of the document exists on network site 37 as a document 40A or 40B but not on computer 11. After completion of step S4, the updated document is present on computer 11.

at 40. Thus, depending on the time frame (pre- vs. post- download), an updated version of the document may or may not exist on computer 11 concurrently with its existence on network site 37.

Concise Explanation of Independent Claim 1

Claim 1 is explained below by the following annotations. Claim 1 is shown in revision format due to the outstanding amendment.

1. *(currently amended)* A computer system (11, Fig. 1, paragraph 17, page 4, lines 9-18) comprising:

computer-readable media (15, Fig. 1, paragraph 17, page 4, lines 9-18),
a computer-executable reader program (13, Fig. 1, paragraph 18, page 4, lines 19-24) for rendering information in a computer-readable document file (original version 20, updated version 40, Fig. 1, paragraph 19, page 4, line 25 to page 5, line 4) in human-cognizable form, said reader program being stored on said computer-readable media, said reader program including

a document parser (33, Fig. 2, paragraph 18, page 4, lines 19-24) for identifying a remote network location (37, Fig. 1) ~~on a remote network site not including said computer system and specified by an~~ original version (20, Fig. 1, paragraph 19, page 4, line 25 to page 5, line 4) of said document file stored on said computer system,

a network interface (39, Fig. 2, paragraph 19, page 4, lines 25-26) for accessing (S4) an updated version (40, in its pre-download location represented at 40A and 40B, paragraphs 22-24, page 6, line 1 to page 7, line 4) of said document file via said network location, and

a renderer (45, Fig. 2, paragraph 19, page 5, lines 7-9) for causing information in said updated version (40, in its post-down load

location on computer 11 as depicted in Fig. 1) to be rendered (S5) in human-cognizable form.

Note that the explanatory annotations are the same whether or not the amendment is entered.

Concise Explanation of Dependent Claim 2

Claim 2 depends from independent Claim 1 and further requires that said reader program further includes a host interface (31, Fig. 2, paragraph 18, page 4, lines 19-21) for receiving a help request (S1, Figs. 1 and 3, paragraph 20, page 5, lines 10-16) from a local version of a host application (17, Fig. 1, paragraphs 17 and 18, page 4, lines 12-21), said document file being a help file for said host application, said updated version (40A, Fig. 1, paragraph 21, page 5, lines 22-25) of said document file being a more-recent version of said help file for a more-recent version of said host application.

Concise Explanation of Independent Claim 6

Independent Claim 6 relates to a computer-implemented method (M1) comprising:

accessing (S2A, Fig. 3, paragraph 20, page 5, lines 10-21) an original version (20, Fig. 1, paragraph 20, page 5, lines 16-21) of a document file stored on a computer system (11, Fig. 1, paragraph 17, page 4, lines 9-14)), said original version of said document file specifying a network location (37, Fig. 1, paragraphs 18 and 19, page 4, line 19-page 5, line 4);

accessing (S4, Fig. 3) an updated version (40 in its pre-download location represented, depending on the variation implemented, at 40A or 40B) of said document file via said network location, said updated version having updated information, said updated version being stored on a remote network site (37, Fig. 1) not including said computer system; and

rendering (S6, Fig. 3, paragraphs 23 and 24, page 6, line 12 to page 7, line 4) said updated information in human-cognizable form.

GROUND OF REJECTION TO BE REVIEWED

All outstanding grounds of rejection are to be reviewed. These grounds are set forth below.

1) Claims 1-10 are rejected under 35 U.S.C. 112 for failing to comply with the enablement requirement. This ground of rejection may be withdrawn as to Claims 1-5 if the outstanding amendment is entered.

2) Claims 1-10 are rejected for anticipation by U.S. Patent Publication 2004/0246946 to Nelson et al., "Nelson" herein.

ARGUMENTS

[01] ARGUMENTS FOR REVERSING REJECTIONS FOR FAILURE OF ENABLEMENT

[02] For the purposes of this ground of rejection, the claims are divided into two groups: Group 1 includes independent Claim 1 and its dependents, Claims 2-5; and Group 2 includes independent Claim 6 and its dependents, Claims 7-10.

[03] GROUP 1: CLAIMS 1-5

[04] The final action argues the following.

In claim 1, line 7-10, "a document parser for identifying a remote network location on a remote network site not including said computer system, and specified by an original version of said document file stored on said computer system" has not been taught or disclosed in the specification to enable one skilled in the art to make/use the invention.

[05]

[06] The final action does not elaborate here in what respect the claims are not enabled. In another section of the Final Action, "Response to Arguments", the Examiner indicates that he believes the language "remote network site not including said computer system" conflicts with the disclosure. If the outstanding amendment is entered, this language will be removed from Claim 1 and this rejection should be moot and thus, withdrawn. If, however, the Examiner does not enter the amendment, the rejection should be reversed because there is no conflict between the claim language and the specification.

[07] Specifically, the language “network site not including said computing system” is used to specify where an update document can be found (on the network site) and does not specify where it cannot be found (it may or may not also be on the computer system). This line of reasoning is elaborated in the arguments relating to Group 2. In any event, if the rejections to Group 1 for lack of enablement are not withdrawn, they should be reversed.

[08] GROUP 2: CLAIMS 6-10

[09] Regarding, Claims 6-10 the arguments for the rejection for lack of enablement are as follows.

In claim 6, lines 8-9, “said updated version having updated information said updated version being stored, on a remote network site not including said computer system” has not been taught or disclosed in the specification to enable one skilled in the art to make/use the invention.

[10]

[11] The section of the Final Action dealing with the 112 rejection does not specifically point out an aspect of this claim language that is not enabled. However, from another section of the of Final Action, namely, the Response to Arguments, it is clear that the Examiner believes that Claim 6 conflicts with the specification. However, Claim 6 is consistent with and enabled by the specification.

[12] What the Claim 6 language at issue requires is:

[13] 1) a network site;

[14] 2) a computer system that is not included in the network site;

[15] 3) an updated version (of a document) on the network site.

[16] Nothing in Claim 6 precludes the updated version from being somewhere other than the network site concurrently or at a different time. In particular, the specification makes it clear that the updated version is initially on the network site and not on the computer system, but then the updated version is downloaded to the computer system so that it would be on the network site and the computer system concurrently.

[17] The final action appears to read the claim language in an ungrammatical way. The Final Action states on page 2 the following.

The

disclosure does not disclose any document parser for identifying a remote network location on a remote network site not including the computer system, which excluding the existence of the document parser or original version of document in the computer

[18] system.

[19] Claim 6 does not require *excluding* the existence of the document parser or the original version of document in the computer system. Claim 6 requires the document parser and the original version of the document to be on the computer system. Claim 6 requires the updated version of the document to be on the network site. Claim 6 does not preclude the updated version from also being on the computer system.

[20] Thus, the Final Action concludes

As shown above, it clearly indicates that the updated document 40 is stored at

[21] the computer 11 as well.

[22] The Examiner appears to believe that the fact that updated document 40 is stored at computer 11 is inconsistent with Claim 6.

[23] Appellants believe the Examiner may be ignoring the dimension of time. When the update file is first accessed, it is located on the network site and not on the computer. When the update file is rendered, the copy that is rendered can be on the computer system as depicted in Fig. 1. In any event, the claim language does not require the updated document to be excluded from the computer system. The claim language merely requires that the computer system be excluded from the network location, as is the situation depicted in Fig. 1.

[24] ARGUMENTS FOR REVERSING REJECTIONS FOR ANTICIPATION

[25] For the purposes of this ground of rejection, the claims are divided into three groups: Group 1 includes independent Claim 1 and dependent Claims 4 and 5; Group 2 includes Claims 2 and 3; and Group 3 includes independent Claim 6 and its dependents, Claims 7-10.

[26] OVERVIEW

[27] The present invention is directed to ensuring a user accessing a document file accesses the most recent update of that file. Nelson is directed to providing browser access to an IP phone. Obviously, Nelson has little to do with the present invention. The issue is whether the language used by Appellants to define their invention happens to read on the very different invention taught by Nelson. It turns out that there is some correspondence to between claim elements and elements disclosed by Nelson. However, the correspondence is only partial. Not all claim elements correspond to elements disclosed by Nelson; for example, Nelson does not disclose the claimed updated version of a document file. Also, elements disclosed by Nelson are not disclosed in the claimed combination; for example, Nelson discloses a browser and an index or home page document file, but the browser does not access the index or home page document file. Instead, the browser sends a message to a server that response with a message that is rendered by the browser. Thus, the Final Action fails to establish that Nelson teaches all the claim limitations. Accordingly, the rejections for anticipation should be reversed.

[28] GROUP 1: CLAIMS 1, 4 and 5

[29] Updated Version

[30] Claim 1 requires an “updated version of said document file”. The Final Action asserts this limitation is met as follows.

(Note: updated version is interpreted as a version of the index or home page which is accessed by the client after the first time. The server then constructs an HTTP response message upon receiving the client's request. Company's home page is always updated

[31] periodically)

[32] Note that this excerpt does not refer to any figures or text, as there is nothing in the figures or text corresponding to the claimed updated version. While Nelson does mention a company home page, Nelson does not appear to teach that it is updated, periodically or otherwise. Nelson, paragraph 53, mentions updates to the contents of an IP phone, but not updates to a company's index or home page. Thus, the Final Action has failed to establish that Nelson disclosed the claimed updated version. Accordingly, the rejection of Claim 1 for anticipation by Nelson should be reversed.

[33] Original Version

[34] Claim 1 requires “an original version of said document file stored on said computer system”. The Final Action finds this limitation met as follows.

(Note: original version

is interpreted as a version of the index or home page which it is accessed by the client for the first time, paragraphs 0031-0034) of said document file (html file) stored on the computer system (the Cache or RAM at the computer inherently stores the web page temporarily for display);

[35]

[36] Nelson, paragraph 31, discloses a company home page that qualifies as a document file stored on the company's http server. The issue is whether this file is also stored on the claimed computer system. The Final Action wrongfully suggests that a browser operates by transferring (downloading) an html file. However, the html file is not transferred. Instead, the web server constructs a message including data that is transferred. It is the message and not the document file itself that is received by the client computer, as is evident from Nelson, paragraph 33.

[37] [0033] When the server receives the message, it authenticates the browser to see whether the user has access rights to this server (for public Web sites, generally anyone is allowed access). If the user has access rights, the server searches to determine whether the requested content (or the index page, if no specific content has been requested) exists on the server. The server then constructs an HTTP response message. A response statement is located at the beginning of the message and describes the HTTP version that the response will take, as well as the status of the client's request (such as `404` meaning the requested content was not found, `401` meaning the user was not

authorized for the request, or `200` meaning the request was successful and the requested data is included in the message).

(Nelson, paragraph 33)

[38] Accordingly, the Final Action fails to establish that Nelson discloses that an original version of the document file (the company's home page) is ever stored on the client computer. For this second reason, the rejection for anticipation of Claim 1 should be reversed.

[39] GROUP 1 SUMMARY

[40] The Final Action maps the claimed computer system to a computer running Microsoft Internet Explorer disclosed by Nelson and the claimed document file to a company home page disclosed by Nelson. The Final Action fails to disclose:

- 1) that the company home page is even temporarily stored on a computer running Microsoft Internet Explorer; and
- 2) an updated version of the company home page.

[41] Therefore, the Final Action has failed to establish that Nelson teaches the claimed elements in the claimed combination. Accordingly, the rejection for anticipation of Claim 1 and its dependents, Claims 2-5, should be reversed.

[42] GROUP 2: CLAIMS 2 and 3

[43] Claim 2 depends from Claim 1 and thus is not anticipated by Nelson for the reasons given for Claim 1. In addition, Claim 2 requires that the reader program include a host interface for receiving a help request from a local version of a host application. Nelson does not teach this limitation.

[44] The Office Action addresses this limitation as follows.

Regarding Claim 2, Nelson discloses that said reader program further includes a

[45] host interface for receiving a help request from a local version of a host application ("a user may also access a user guide (help page)..." is considered as a help request.

(See paragraphs 0047, 0052), said document file being a help file for said host

[46] application (the help file will be presented on the company's web page) (fig. 6),

[47] This excerpt does not map the claimed host application to an element in Nelson. Also, a help page is not a help request, although it may contain answers that can be used in responding to a help request. For these additional reasons, the rejections of Claim 2 and Claim 3, which depends from Claim 2, should be reversed.

[48] **GROUP 3: CLAIMS 6-10**

[49] **Accessing and Storing**

[50] Claim 6 requires accessing an original version of a document file stored on a computer system. The final action asserts that this limitation is met as follows.

accessing an original version (Note: original version is interpreted as a version of the index or home page which it is accessed by the client for the first time) of a document file (i.e. html file) stored on a computer (the Cache at the client computer inherently stores the web page temporarily

[51] for display),

[52] The Final Action assumes that when a browser (such as Microsoft Internet Explorer) on client computer accesses a web server, it downloads html files (e.g., index.html) to the client computer cache temporarily so that a web page can be displayed. However, this is contrary to Nelson's teaching, which is to the effect that a web server constructs and transmits a message to the client computer. Nelson does not disclose that this message is stored in a cache on the client computer, but, in any event, the message is not the same as the html file. In fact, the browser accesses a server rather than the html files, and it is a message generated by the server rather than an html file that is stored by the client computer.

[53] The Final Action has failed to establish that Nelson discloses accessing a document file, and the Final Action has failed to establish that the document file is stored on the client computer. Accordingly, the Final Action has failed to establish that Nelson discloses all the limitations of Claim 6. For this reason, the rejection of Claim 6 (and the rejections of its dependents, Claims 7-10) should be reversed.

[54] Specifying A Network Location

[55] Claim 6 requires that the original version of the document file specify a network location. The Final Action maps the document file to a company's home page. The Final Action does not establish that Nelson teaches that the company's home page specifies a network location. The Office Action asserts that this limitation is disclosed in Nelson Paragraph 31, which reads as follows.

[56] [0031] As mentioned above, Web servers communicate with Web browsers via HTTP. An HTTP transaction consists of the server and client sending each other messages. Each message contains a request or response statement, a header containing

information about the client or server, and optionally, some quantity of data. As an example, consider a user who wishes to browse a company's home page. First, the user launches the Web browser. Then the user enters the name of the company's HTTP server and, optionally, the desired content (i.e., HTML file) on that Web server. This is done using the URL format (this entry may be performed manually by typing or by selecting a HyperText link to that URL). The Web browser parses the URL into the server name and, optionally, the content name (i.e., HTML file name). If no content name is entered, the Web server's home or index page is requested. The network protocol software contacts a Domain Name System (DNS) server to resolve the HTTP server's name into an IP address.

[57] While this paragraph refers to URLs, which are used to specify network locations, the paragraph does not teach that the company's home page specifies a URL. Of course, the home page has a network location that can be entered into a browser, but the home page need not specify its own network location. Accordingly, the Final Action has failed to establish that Nelson discloses that the document file specifies a network location. For this second reason, the rejection of Claim 6 for anticipation by Nelson should be reversed.

[58] Updated Version

[59] Claim 6 requires accessing an updated version of the document file. As explained above, a browser does not access the files. Instead, as Nelson teaches, a server generates a message that may or may not include data from a file. Also, Nelson does not disclose an updated version of a document file. As with Claim 1, the Final Action interprets "updated

version" as a version of the index or home page, which is accessed after the first time. However, Nelson does not disclose that a client accesses an index or home page after the first time. Also, even if a client accessed a home page twice, it is not inherent that it would have been updated in the interim. It could be the case that a client would access an original version of a home page twice and not access an updated version.

[60] Accordingly, the Final Action fails to establish that Nelson discloses an updated version of a document file, and fails to establish that Nelson discloses accessing such an updated file. According, the rejection of Claim 6 for anticipation should be reversed for these additional reasons.

[61] GROUP 2 SUMMARY

[62] The Final Action fails to establish that Nelson teaches the claimed accessing of original and updated versions of a document file, the claimed updated version of the document file, and that the original version is stored on the client computer. Accordingly, the rejection of Claim 6 (and the rejections of its dependents Claim 7-10) for anticipation should be reversed.

[63] CONCLUSION

[64] The rejections for lack of enablement should be withdrawn because the specification does enable one skilled in the art to practice the claimed invention. The specification clearly describes functionality to be added to a reader program such as Adobe Acrobat. There is nothing in the described functionality that could not be readily implemented by a programmer of ordinary skill in the art. The rejections for lack of enablement appear to be caused by the Examiner's ungrammatical reading

of the claim language, so the rejections were erroneous to begin with and should be reversed.

[65] Since Nelson's teachings are only distantly related to the claimed invention, it is not surprising to find that Nelson does not disclose the claimed elements in the claimed combination. In particular, limitations regarding accessing and storing document files and the very existence of an update document file are not disclosed or inherent in Nelson. Accordingly, the rejections for anticipation should be reversed.

Claims Appendix

- 1 1. *(without outstanding amendment; version with revisions is presented*
2 *in Summary of Claimed Subject Matter)* A computer system
3 comprising:
4 computer-readable media,
5 a computer-executable reader program for rendering information in
6 a computer-readable document file in human-cognizable form, said
7 reader program being stored on said computer-readable media, said
8 reader program including
9 a document parser for identifying a network location
10 specified by an original version of said document file stored on
11 said computer system,
12 a network interface for accessing an updated version of said
13 document file via said network location, and
14 a renderer for causing information in said updated version to
15 be rendered in human-cognizable form.

- 1 2. *(previously presented)* A computer system as recited in Claim 1
2 wherein said reader program further includes a host interface for
3 receiving a help request from a local version of a host application, said
4 document file being a help file for said host application, said updated
5 version of said document file being a more-recent version of said help
6 file for a more-recent version of said host application.
- 1 3. *(original)* A computer system as recited in Claim 2 wherein said
2 document is in pdf or html format.
- 1 4. *(previously presented)* A computer system as recited in Claim 1
2 wherein said reader program further includes a host interface for
3 receiving a help request from a local version of a host application, said
4 document file being a help file for said host application, said updated
5 version of said document file being a more-recent version of said help
6 file for said local version of said host application.
- 1 5. *(original)* A computer system as recited in Claim 4 wherein said host
2 interface also provides for receiving a version identification for said
3 host application from said host application.

1 6. (*previously presented*) A computer-implemented method
2 comprising:
3 accessing an original version of a document file stored on a
4 computer system, said original version of said document file specifying
5 a network location;
6 accessing an updated version of said document file via said network
7 location, said updated version having updated information, said
8 updated version being stored on a remote network site not including
9 said computer system; and
10 rendering said updated information in human-cognizable form.

1 7. (*previously presented*) A method as recited in Claim 6 further
2 comprising receiving a help request from a local version of a host
3 application, said accessing an original version occurring in response to
4 said help request, said updated version corresponding to a more-
5 recent version of said document file for a more-recent version of said
6 host application.

1 8. (*original*) A method as recited in Claim 7 wherein said document is
2 in html or pdf format.

1 9. (*previously presented*) A method as recited in Claim 6 further
2 comprising receiving a help request from a local version of a host
3 application, said accessing an original version occurring in response to
4 said help request, said updated version corresponding to a more-
5 recent version of said document file for said local version of said host
6 application.

1 10. (*original*) A method as recited in Claim 9 further comprising
2 receiving version identification for said host application from said host
3 application.

EVIDENCE APPENDIX

None. No evidence is submitted with this Appeal Brief.

RELATED PROCEEDINGS APPENDIX

None. There are no related proceedings.